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DATE 1/20/2010 UNITED STATES DISTRICT COURT
BY DD WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

CALVIN RICHARDSON

CIVIL ACTION NO. 09-1649

VERSUS

JUDGE ROBERT G. JAMES

BETTY BLAKE, ET AL.

MAGISTRATE JUDGE HAYES

MEMORANDUM RULING

Pending before the Court is *pro se* and *in forma pauperis* Plaintiff Calvin Richardson's ("Richardson") civil rights complaint. On December 21, 2009, Magistrate Judge Karen L. Hayes issued a Report and Recommendation recommending that Richardson's complaint be dismissed with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). [Doc. No. 8]. On January 4, 2010, Richardson filed an objection to the Report and Recommendation. [Doc. No. 9]. The Court agrees with and ADOPTS the Report and Recommendation with one exception.

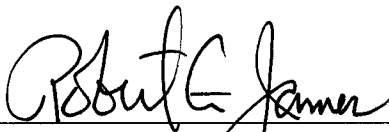
On page 7 and 8 of the Report and Recommendation, the Magistrate Judge states that Richardson did not report adverse side effects from ingesting a medicine containing acetaminophen on February 4, 2009. [Doc. No. 8. pp. 7-8]. For the first time in his objection to the Report and Recommendation, Richards claims that he did not ingest acetaminophen on February 4, 2009. [Doc. No. 9, p. 1].

The Court finds that, even if Richardson did not ingest acetaminophen on February 4, 2009, the Magistrate Judge was correct in finding that "[Richardson's] conclusory allegation of deliberate indifference is unsupported by the facts alleged" [Doc. No. 8, p. 8].

For the foregoing reasons, Richardson's civil rights complaint is DISMISSED WITH

PREJUDICE as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B).

MONROE, LOUISIANA, this 20 day of January, 2010.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE